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Docket Management Systems
US Department of Transportation
Room Plaza 401
400 Seventh Street, SW.
Washington DC 20590-0001

RE: Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations
Docket number FAA 2001-10047

August 13, 2001

To Whom It May Concern:

The ideals of our Democratic society allow different points of view to be expressed in the process that governs us. In October of 1999 the FAA convened a special aviation rulemaking committee, the Fractional Ownership Aviation Rulemaking Committee (FOARC) to regulate the growing fractional market. This committee was made up of various interests with one major exception, the pilots who will operate under these proposed rules. By excluding the pilots from this committee the FAA violated its own rules for establishing an Aviation Rules Advisory Committee (ARAC).

Title 14 CFR 11.27 describes the process the FAA uses to collect recommendations from an ARAC. Title 14 CFR 11.27 also states that the ARAC complies with the Federal Advisory Committee Act (FACA). Section 5 (b) (2) of the FACA, **"REQUIRE(S) THE MEMBERSHIP OF THE ADVISORY COMMITTEE TO BE FAIRLY BALANCED IN TERMS OF THE POINTS OF VIEW REPRESENTED (EMPHASIS ADDED)"** and the functions to be performed by the advisory committee." How can the FAA say the FOARC committee was "fairly balanced" without pilots participating in the process?

The FOARC committee's recommendations have been accepted word for word in this NPRM. It is my belief that if pilots were allowed to participate on the committee, the FORAC recommendations would be quite different. Numerous areas of vital importance to safety have been overlooked in this NPRM. I understand that the comment period of any NPRM gives the opportunity of those not involved in the origin of the regulation to voice their concerns. However, this NPRM is so vast that mere comments to the FOARC recommendations will be muted against such a large document.

Therefore, I respectfully request that this NPRM be voided and the process started over. I also request that a new FORAC committee be formed and pilots appointed to the committee. Only by

restarting the process with pilots participating can we correct this error and uphold the ideals of our Democratic society.

Sincerely,

John J Swint

TITLE 14 PART 11--GENERAL RULEMAKING PROCEDURES

§ 11.27 Are there other ways FAA collects specific rulemaking recommendations before we issue an NPRM? Yes, the FAA obtains advice and recommendations from rulemaking advisory committees. One of these committees is the Aviation Rulemaking Advisory Committee (ARAC), which is a formal standing committee comprised of representatives of aviation associations and industry, consumer groups, and interested individuals. In conducting its activities, ARAC complies with the **FEDERAL ADVISORY COMMITTEE ACT (EMPASIS ADDED)** and the direction of FAA. We task ARAC with providing us with recommended rulemaking actions dealing with specific areas and problems. If we accept an ARAC recommendation to change an FAA rule, we ordinarily publish an NPRM using the procedures in this part. The FAA may establish other rulemaking advisory committees as needed to focus on specific issues for a limited period of time.

FEDERAL ADVISORY COMMITTEE ACT

5. Responsibilities of Congressional committees; review; guidelines

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall--

(1) contain a clearly defined purpose for the advisory committee;

(2) **REQUIRE THE MEMBERSHIP OF THE ADVISORY COMMITTEE TO BE FAIRLY BALANCED IN TERMS OF THE POINTS OF VIEW REPRESENTED (EMPASIS ADDED)** and the functions to be performed by the advisory committee;

MEMBERS OF THE FOARC COMMITTEE

David Harrington - Airbus Industries

Gary Arber - Alpha Flying

Michael Pittard - Aviation Charter Services

Thomas Ciotti - Aviation Resource Management

Lee D. Monson - Boeing

Dennis Keith - Bombardier Business Jet
Frederick Gevalt, III - The Air Charter Guide
Geoff Parker - British Civil Aviation Authority
William Yek - Daimler Chrysler
Patricia Thomas - Department of Transportation
Dayton Lehman - Department of Transportation
Paul Stinebring - Emerson Electric
Richard G. Smith, III - Executive Jet Aviation
Katherine Perfetti - Federal Aviation Administration
Edward Kammerer - Fleet Capital Leasing
Darnell Martins - Flight Options
Ed Bolen - General Aviation Manufacturers Association
W. W. Boisture, Jr. - Gulfstream
Joseph Corrao - Helicopter Association International
Marc Fruchter - Marc Fruchter Aviation
Andrew Cebula - National Air Transportation Association
John W. Olcott - National Business Aviation Association
James C. Christiansen, FOARC Chairman - TAG Aviation USA, Inc.
Donald Baldwin - Texaco
Trevor Owen - Transport Canada
Gary Hart Raytheon - TravelAir
Timothy McSwain - U. S. Aviation Underwriters Group